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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,710	07/02/2004	Shane P Rossiter	CPG 02-03 MD	2430
38235 7590 12/31/2007 MEADWESTVACO CORPORATION ALEXANDRA B. URBAN,ESQ. 299 PARK AVENUE, 13TH FLOOR NEW YORK, NY 10171			EXAMINER PICKETT, JOHN G	
			ART UNIT 3728	PAPER NUMBER
			MAIL DATE 12/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/500,710

Applicant(s)

ROSSITER, SHANE P

Examiner

Greg Pickett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 15-20 and 22-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 and 15-20 is/are allowed.
- 6) ☒ Claim(s) 22-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The finality of the Office Action mailed 4 September 2007 is **withdrawn** for entry of the After Final amendment of 3 December 2007. Claims 1-5, 15-20, and 22-40 are pending in the application. Claims 6-14 and 21 have been canceled.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. The indicated allowability of independent claims 22, 26, 30, and 35 is withdrawn in view of further consideration of the presented claim language and the prior art of record. Rejections based on the new, broad interpretations follow. Since this is a revised position, this Office Action is made **NON-FINAL**.

Claim Rejections - 35 USC § 112

3. Claims 22-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 22 recites the limitation "boards" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claims 23-25 are dependent upon claim 22 and are rejected for the above reasons. Further, claim 25 recites "one of the panels on the board". There is insufficient antecedent basis for this limitation in the claim.

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Claim 26 recites the limitations "the board-receiving panels" in line 4, and "boards" in line 7. There is insufficient antecedent basis for these limitations in the claim.

Claims 27-29 are dependent upon claim 26 and are rejected for the above reasons.

Claim Rejections - 35 USC § 103

4. Claims 22-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien et al (US 5,372,253; previously provided) in view of Gelardi et al (US 5,884,761; previously provided).

Claim 22: In Figures 16-20, O'Brien discloses a box 114 having a base 142, sides 150, and a foldable carrier 112 with plurality of parallel sections of alternating panels 112b/112c and spines 124. Although O'Brien teaches literature within the panels 112/b/112/c, Gelardi teaches the provision of multiple disc-holding trays on a folding panel section (see Figures 21 and 22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide disc-holding trays on sections 112b/112c of O'Brien as taught by Gelardi in order to retain multiple discs. O'Brien discloses panel 112a affixed to the base of box 114 and inner spine 124 attached to the side of the box (i.e. side edge of the base of 114). Although the box of O'Brien has a disc-receiving portion integral to box 114, the claim is broad enough that separate trays are not required on each panel of the carrier.

Claims 23-25: In the folded state, the spines and panels of O'Brien-Gelardi are arranged as claimed (see O'Brien Figure 20). Note that panel 112b becomes the top of the box, the tray on 112b becomes secured in the bottom of the box, the spine 124 between 112a and 112b becomes the box sidewall, and the spine 124 between 112b and 112c is secured inside the box opposite the other spine.

Claim 26: In Figures 16-20, O'Brien discloses a box 114 having a base 142, sides 150, and a foldable, creased carrier 112 with plurality of parallel crease lines 126 forming sections of alternating panels 112b/112c and spines 124. Although O'Brien teaches literature within the panels 112b/112c, Gelardi teaches the provision of multiple disc-holding trays on a folding panel section (see Figures 21 and 22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide disc-holding trays on sections 112b/112c of O'Brien as taught by Gelardi in order to retain multiple discs. O'Brien discloses panel 112a affixed to the base of box 114 and inner spine 124 hinged to the side of the box base (i.e. side edge of the base of 114). Although the box of O'Brien has a disc-receiving portion integral to box 114, the claim is broad enough that separate trays are not required on each panel of the carrier.

Claims 27-29: In the folded state, the spines and panels of O'Brien-Gelardi are arranged as claimed (see O'Brien Figure 20). Note that panel 112b becomes the top of the box, the tray on 112b becomes secured in the bottom of the box, the spine 124 between 112a and 112b becomes the box sidewall, and the spine 124 between 112b and 112c is secured inside the box opposite the other spine.

Claims 30 and 31: In Figures 16-20, O'Brien discloses a box 114 having a base 142, sides 150, and a foldable, creased carrier 112 with plurality of parallel creases forming sections of alternating panels 112a/112b/112c and spines 124. Although O'Brien teaches literature within the panels 112/b/112/c, Gelardi teaches the provision of multiple disc-holding trays on a folding panel section (see Figures 21 and 22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide disc-holding trays on sections 112b/112c of O'Brien as taught by Gelardi in order to retain multiple discs. O'Brien discloses panel 112a affixed to the base of box 114 and inner spine 124 affixed to the side of the box (i.e. side edge of the base of 114). Although the box of O'Brien has a disc-receiving portion integral to box 114, the claim is broad enough that separate trays are not required on each panel of the carrier.

Claims 32-34: In the folded state, the spines and panels of O'Brien-Gelardi are arranged as claimed (see O'Brien Figure 20). Note that panel 112b becomes the top of the box, the tray on 112b becomes secured in the bottom of the box, the spine 124 between 112a and 112b becomes the box sidewall, and the spine 124 between 112b and 112c is secured inside the box opposite the other spine.

Claims 35-40: O'Brien-Gelardi discloses the claimed method upon presentation, including the claimed folding (see Figures 18 and 20). Note that panel 112b becomes the top of the box, the tray on 112b becomes secured in the bottom of the box, the spine 124 between 112a and 112b becomes the box sidewall, and the spine 124 between 112b and 112c is secured inside the box opposite the other spine.

Allowable Subject Matter

5. Claims 1-5, 15-20 appear to define over the available prior art and are allowed.
6. Claims 22 and 26 would appear to be allowable if amended to overcome the rejections under 35 USC 112, 2nd paragraph and to recite upwardly extending sidewalls, with the spine attached/hinged to the upwardly extending sidewall, instead of the broad and generic, side of the box base. When interpreted broadly, the side of the box base may include the edge of the box bottom as presented in O'Brien et al.
7. Claims 30 and 35 would appear to be allowable if amended to recite upwardly extending sidewalls, with the spine fixedly attached to the upwardly extending sidewall (claim 30), or the inner panel extending from the top of the sidewall of the box (claim 35), instead of the broad and generic, "side of the box". When interpreted broadly, the side of the box may include the edge of the box bottom as presented in O'Brien et al.

Conclusion

8. As new grounds of rejection are presented, this Office Action is made **NON-FINAL**.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Pickett whose telephone number is 571-272-4560. The examiner can normally be reached on Mon-Fri, 11:30 AM - 8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Greg Pickett/
Primary Examiner
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